

KANDA, et al.
Appl. No. 09/971,773
December 17, 2004

REMARKS

Reconsideration is requested.

The Examiner Interview of December 10, 2004, is acknowledged, with appreciation. The Interview Summary is accurate in its brief review of the issues discussed during the interview. Attached is a paper copy of the substance of the slide presentation discussed during the interview.

Claims 1-68 have been canceled, without prejudice. Claims 69-96 have been added.

At a minimum, the new claims 69-75, 80-86, 91 and 94 are believed to read on the elected invention. Specifically, the applicants elected the subject matter of the Examiner's Group II of the Office action dated June 17, 2003 ("drawn to a cell in which the activity of an enzyme relating to the synthesis of an intracellular nucleotide GDP-fucose and/or relating to the modification of a sugar chain is decreased or deleted, and a method of using such a cell for antibody production.").

Moreover, the following species elections were made for the purpose of initial search (see, page 2 of the Office Action dated February 13, 2004):

- (1) a CHO cell;
- (2) a gene disruption technique targeting a gene encoding the enzyme as the method to produce the cell; and
- (3) the enzyme α -1,6-fucosyltransferase as the enzyme that is disrupted.

The applicants understand from the Examiner's comments during the interview that perhaps a more rapid allowance may be obtained if the claims were rewritten to define the elected subject matter, and specifically with regard to the enzyme to be

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affected. Moreover, in view of the data presented in the slides discussed during the interview, the applicants understood that perhaps the claims to a plant and/or non-human animal such as defined above, although arguably defined by the Examiner's restriction requirement as being separately patentable, may also be examined and potentially allowed with the claims of Group II. The Examiner is requested to contact the undersigned after reviewing the above claims if the Examiner believes that further amendments are required to place the claims in condition for allowance.

The Examiner will appreciate that claims 76-77, 87-88, 92 and 95 define plants and claims 78-79, 89-90, 93 and 96 define non-human animals.

The claims are believed to be supported by the specification. No new matter has been added. The claims are not believed to raise new issues requiring further search and/or consideration.

Acknowledgement of the certified copies of the priority document filed August 12, 2004 is requested. Attached is a copy of the undersigned's post card receipt from the filing of August 12, 2004 as evidence of the Patent Office receipt of the noted documents. A verified English language translation of the priority document is being prepared and will be filed under separate cover, via facsimile, as required by the Examiner on page 3 of the Office Action dated November 3, 2004.

The specification was amended August 12, 2004 to include a cross-reference to the parent applications.

Acknowledgement of the acceptance of the drawings in the Office Action of November 3, 2004 is noted with appreciation.

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The Examiner's comments relating to the previously-cited Furukawa et al (Protein, Nucleic Acid and Enzyme, 43, 2309-2317 (1998)) reference are noted. The applicants believe however that the relevance of the non-English language document was adequately described in the submission of the International Search Report from the corresponding application no. PCT/JP01/08804, wherein the reference was cited. A further copy of the indicated Search Report is attached.

The applicants further submit, as a supplemental concise explanation of the alleged relevance of the document, that the cited document is understood to disclose that (i) the survival ratio of beta-1,4-galactosyltransferase knockout mice is low, (ii) beta-1,4-galactosyltransferase activity was found even in the above knockout mice, although the activity is low, and (iii) there are plural beta-1,4-galactosyltransferases in the living body.

Consideration of the reference and return of an initialed copy of the previously-submitted PTO 1449 Form, pursuant to MPEP § 609, are requested.

The Rule 75 objection of claims 2, 19 and 63 will be moot upon entry of the above amendments. Entry of the amendments and withdrawal of the objection are requested.

The Section 112, second paragraph, rejection of claims 1, 12, 19 and 63 will be moot upon entry of the above amendments. The applicants have amended the claims, without prejudice, to advance prosecution. Entry of the above amendments is requested.

The Section 112, first paragraph "written description", rejection of Claims 4 and 23 will be moot upon entry of the above amendments. The claims have been amended

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to clearly indicate that the enzymes involved in the invention are not those which modify sugars containing fucose, for example, after they are bound to the recited antibody, as the Examiner had apparently interpreted claims 4 and 23. Entry of the above amendments is requested to advance prosecution.

The Section 112, first paragraph "enablement", rejection of Claims 1-4, 12-20, 23, 31-34, 36-40, 62-64 and 65-68, will be moot upon entry of the above amendments. The Examiner's indication that the specification teaches one of ordinary skill in the art the subject matter described on page 9 of the Office Action dated November 3, 2004, is acknowledged, with appreciation. As discussed during the Examiner interview however, the applicants believe that the specification provides a broader teaching, such as defined in the above claims. The attached evidence from the Examiner Interview is believed to adequately demonstrate that the specification provides an enabling teaching of the above claims. Entry of the present Amendment is requested.

The claims, as amended above, are submitted to be in condition for allowance and entry of the above amendments and a Notice of Allowance are requested.

The Examiner is requested to contact the undersigned in the event anything further is required.

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Respectfully submitted,

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